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NO. _____
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Hazel L. Parker
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DEPUTY _____

MONTANA SIXTEENTH JUDICIAL DISTRICT COURT
CUSTER COUNTY

DAVID GEDROSE, Plaintiff, v. EXPEDITE TRANSPORTATION, LLC and IGOR KARPICH, Defendants.	Cause No: <u>0V-13-58</u> COMPLAINT FOR DAMAGES and REQUEST FOR JURY TRIAL
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COMES NOW the Plaintiff, above named, by and through his attorney of record Beck and Amsden, P.L.L.C., and for cause of action against the defendants, complain, allege, and state as follows:

I. PARTIES, JURISDICTION AND VENUE

1. Plaintiff David Gedrose at all times relevant to the allegations in this Complaint was a resident of Custer County, Montana.

2. Defendant Expedite Transportation, LLC [hereinafter Expedite] is a trucking firm located in the State of Minnesota.

3. Defendant Igor Karpich is a resident of Scott County, Minnesota and at all times relevant to the allegations in this Complaint was in the course and scope of his employment with Defendant Expedite.

4. This Court has jurisdiction over the parties and the subject matter of this action. Venue properly lies in the Sixteenth Judicial District of Montana, Custer County.

II. GENERAL ALLEGATIONS

5. On November 19, 2011, Plaintiff David Gedrose was driving west bound on US I-94 near Miles City, Custer County, Montana in a snow plow owned by the Montana Department of Transportation.

6. At the same time, Defendant Igor Karpich, in the course and scope of his employment with Defendant Expedite, was driving west bound on US I-94 near Miles City, Custer County, Montana in a commercial vehicle owned by Defendant Expedite.

7. Mr. Karpich passed a couple of vehicles that were driving slow due to the road conditions. After passing the slower vehicles Mr. Karpich returned to the driving lane. Mr. Karpich failed to notice Plaintiff's snow plow operating in the

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driving lane and slammed into the rear of Plaintiff's vehicle. The impact caused Plaintiff's vehicle to rotate clockwise, slide off the north side of the highway and roll into the ditch.

8. As a result of the accident, Plaintiff suffered injuries and damages.

III. COUNT ONE – NEGLIGENCE

9. Plaintiff re-alleges and incorporates the foregoing allegations as if fully set forth herein.

10. Defendants owed a duty of care in the operation of its vehicle and equipment in a safe and prudent manner. Defendants breached that duty and were negligent in violation of Montana traffic laws including Montana Code Annotated §§ 61-8-302, 303(3) and 329. Defendant Karpich's careless and negligent operation of the vehicle, which caused the incident to occur, included but are not limited to: operating his vehicle in a negligent manner, failure to keep a proper lookout, failure to keep a safe distance from the vehicles in front, failure to follow the rules of the road, and such other reasons as may be established at the time of trial.

11. As a direct result of Defendants' negligence, Plaintiff has suffered damages including physical injuries, medical expenses, pain and suffering, lost

wages, lost earning capacity, loss of enjoyment of lifestyle, and has been otherwise damaged, both past and future.

12. Plaintiff is entitled to recover special and general damages as allowed by law.

IV. COUNT TWO – NEGLIGENCE PER SE

13. Plaintiff re-alleges and incorporates the foregoing allegations as if fully set forth herein.

14. Montana Code Annotated §§ 61-8-302, 303(3) and 329 impose statutory obligations that include: operating a vehicle in a careful and prudent manner; operating at a speed that is reasonable and prudent given the weather and roadway conditions; and following other vehicles at a safe distance given the speed of other vehicles and roadway conditions.

15. Defendants violated these statutes by, *inter alia*, operating the vehicle in a careless manner given the weather and road conditions and following too closely.

16. As a result of Defendants' breach of their statutory duties, Plaintiff has suffered compensable damages.

17. The Montana driving laws were enacted to protect the class of people of which Plaintiff is a member: the traveling public. Therefore, Defendants were negligent *per se*.

IV. JURY DEMAND

18. Plaintiff requests that all issues of fact be determined by a jury.


V. CLAIMS FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For a reasonable sum of money to fully compensate Plaintiff for all his damages arising out of Defendants' negligence.
2. For prejudgment interest as permitted by law.
3. For such other and further relief as is deemed just and equitable.

DATED this 31st day of July, 2013.

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